

**REMARKS**

**Summary Of The Office Action & Formalities**

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant is canceling claims 10 and 13, amending claims 1 and 12, and adding new claims 14-20. No new matter is added.

The prior art rejections are summarized as follows:

1. Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Arnold et al. (US 5,947,340).

2. Claims 12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by VanBrocklin (US 6,036,059).

Applicant respectfully traverses.

**Claim Rejections - 35 U.S.C. § 102**

In rejecting claims 1-12 in view of Arnold et al. (US 5,947,340), the grounds of rejection state:

Arnold et al. disclose a manually actuated fluid dispenser pump comprising a pump body (120, 220, 320), a piston (130, 230, 330) mounted to slide in leaktight manner in said pump body between a rest position and an actuating position, an actuating rod (126, 226, 326) connected integrally to said piston, and a ferrule (156, 256, 356) fixed to the top edge of the pump body, to define the rest position for said piston, said actuating rod being mounted to slide in said ferrule, said pump being characterized in that the ferrule is provided with at least one internal sealing lip (inner part of 156, 164, or the inner part of 356 with 364) co-operating in leaktight manner with said actuating rod; said at least one sealing lip extends over the entire periphery of said ferrule; said at least one sealing lip is made integrally with said ferrule; said at least one sealing lip is flexible so that leaktightness is guaranteed between

itself and said actuating rod, even when the actuating force exerted on the actuating rod is not exactly axial; said sealing lip of the ferrule centers and/or guides the actuating rod in said ferrule and/or said pump body; said ferrule is made integrally with a fixing ring organized to fix said pump to a fluid reservoir; said ferrule is made of a single material (in the embodiments of Figs. 3-5); and said ferrule is made of a plurality of materials (in the embodiment of Fig. 6).

Office Action at pages 2-3.

The Examiner also responds to Applicants last Amendment as follows:

Applicant argues that the piston of Arnold et al. does not abut the ferrule in the rest position. The examiner agrees. This limitation appears in newly added claim 13 that is rejected as being anticipated by VanBrocklin. The broader recitations in original claim 1 and newly added claim 12 do not require the piston to abut the ferrule. The ferrule of Arnold et al. can be characterized as defining a rest position as the piston. The ferrule of both Arnold et al. and VanBrocklin meets the limitation that it stops further upward axial movement of the piston because the piston can not move above the ferrule without disassembling the device.

Office Action at pages 3-4.

In rejecting claims 12 and 13 in view of VanBrocklin (US 6,036,059), the grounds of rejection state:

VanBrocklin discloses a manually actuated fluid dispenser pump, comprising: a pump body (12), a piston (40, 16) mounted to slide in leaktight manner in the pump body between a rest position and an actuating position, a rod (40, 16) that actuates the piston from the piston's rest position to the piston's actuating position, and a ferrule (54) at an upper portion of the pump body; and wherein the ferrule is a stop that prevents further upward axially movement of the piston when the piston is in the rest position (see Fig. 2); wherein the actuating rod is mounted to slide within the ferrule; wherein the ferrule comprises at least one internal sealing lip co-operating in leaktight manner with the actuating rod; and wherein a part of the piston abuts against the ferrule when the piston is in the rest position (see Fig. 2).

Office Action at page 3.

Claims 1 and 12 have been amended to require that the actuating rod is integrally made with the piston, a dispensing head is assembled onto the actuating rod, and a part of the piston abuts against the ferrule when the piston is in the rest position.

The manually actuated dispenser according to Applicant's claims allows the actuating rod to be perfectly axially guided with respect to the ferrule, *even when the manual force exerted by the user is not perfectly axial*. Consequently, the actuating rod will align with the axis of the pump body as well as the piston. Therefore, any creation of stress exerted on the piston lip is avoided by this embodiment. The piston is thus guided at all times from its rest position to its actuation position due to the structure defined in Applicant's claims.

Arnold et al. discloses a piston slidably mounted in a pump body. A closure is mounted in the upper portion of this pump body. However, as clearly seen in Fig. 3 of this patent, the piston does *not* abut against said closure when the piston is in rest position. The Examiner agrees with this statement. *See* Office Action at page 3.

Therefore, Arnold et al. does not disclose all the technical features recited in claims 1 and 12. As a consequence, these claims are novel in view of Arnold et al.

VanBrocklin discloses a pump including a pump body 12 in which is disposed a piston 16. A collar 48 is attached to the top of the body 12. This collar forms an abutment for the piston and thus defines the rest position of the piston. It also provides a sealing lip cooperating with said piston. A rod 40 is movably connected to the piston by means of a spring 44. This rod

allows the displacement of the piston in the pump body so as to cause the dispensing of fluid product.

Therefore, VanBrocklin, first, does not provide any seal between the collar 48 and the rod 40, and, second, does not disclose making the rod 40 an integral one-piece construction with the piston 16. Consequently, claims 1 and 12 are novel in view of VanBrocklin.

Moreover, claims 1 and 12 are not obvious in view of the prior art. Indeed, one skilled in the art would not be motivated by the disclosures of Arnold et al. and VanBrocklin to combine the teachings of these two patents, because the structure and the operation of the pumps described in these patents are completely distinct.

The structures recited in claims 1 and 12 allow, on the one hand, a simple structure and operation of the pump (compared to VanBrocklin) and, on the other hand, perfectly guided displacement of the piston in the pump body from its rest position to the actuating position, even when the manual force exerted on the pusher is not perfectly axial. Additionally, the claimed structures have the advantage of precisely limiting the piston stroke to what is necessary for triggering the dispense of a precise dose of fluid product.

In view of the foregoing differences, the Examiner is kindly requested to reconsider and withdraw the art rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**Amendment Under 37 C.F.R. § 1.116**  
U.S. Application No. 10/625,549

Attorney Docket No.: Q71800

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

CUSTOMER NUMBER

Date: October 26, 2005